



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,335	05/04/2006	Junya Kaku	060363	5062
23850 7590 12/21/2010 KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. 4th Floor WASHINGTON, DC 20005				
EXAMINER				
HARVEY, DAVID E				
ART UNIT		PAPER NUMBER		
2481				
MAIL DATE		DELIVERY MODE		
12/21/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/578,335

**Applicant(s)**

KAKU, JUNYA

**Examiner**

DAVID E. HARVEY

**Art Unit**

2481

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-12 and 17 is/are rejected.
- 7) ☒ Claim(s) 5-8, and 13-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

1. **A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/9/2010 has been entered.**

2. **With respect to claim 1 as currently amended, the following is noted:**

A) In lines 15-20 on page 1 of the instant specification, applicant describes "prior art" recording systems which operated to record accumulated "index information" onto a recording medium after the recording of image data. The invention described in the instant specification differs from the prior art in at least generated pointing information was recorded on the recording medium as it was generated [e.g., note lines 3-24 on page 2 of the instant specification];

B) The examiner agrees with applicant's arguments filed 11/9/2010 that Claim 1, as amended via the amendment filed 11/9/2010, distinguishes the claimed invention over the "prior art" described above; i.e., as recited, the "position" information is being stored on the medium concurrently with the recording of the video (i.e., "every time that a reference position is assigned").

3. **NOTE: US Patent #6,801,712 to Yokouchi:**

As described with respect to Figures 1 and 2 [Note: lines 16-67 of column 3; and lines 1-61 of column 4], Yokouchi disclosed a recording system that includes:

1) An "**outputter**" (e.g., @ 101) for outputting video content which expresses a continuous change with time and, as shown in Figure 1, has a reference time position (i.e., I-picture frame positions) assigned at intermittent timing;

2) A "**first recorder**" (e.g., @ 105 and 106) for recording the video content outputted from the "outputter" onto a "**recording medium**" (@ "D");

3) A "**first creator**" (e.g., @ 102, 103, and 104) for creating, in parallel with the outputting of the content, position information (i.e., the "EP DATA") pointing to said reference time positions in the content (i.e., said I-picture frame positions); and

- 4) A "second recorder" for recording the created position information on the recording medium.

*Here it is noted that this "prior art" system operated in the manner of the "prior art" described in the instant specification in that the position information was accumulated by the second recorder and then stored on the medium after the recording of the content [e.g., SEE lines 50-55 of column 4].*

**4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

**A person shall be entitled to a patent unless –**

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,737,479 to Fujinami.**

As described with respect to Figures 13 [Note: lines 40-67 of column 7; and lines 1-7 of column 8], Fujinami disclosed a recording system that includes:

- 1) An "**outputter**" (e.g., @ 21) for outputting video content which expresses a continuous change with time and which has a reference time position (i.e., I-picture frame positions) assigned at intermittent timing as detected by a detecting circuit (@ 23);
- 2) A "**first recorder**" (e.g., @ 23, 24, 28, and 29) for recording the video content outputted from the "outputter" onto a "**recording medium**" (e.g., @ 29);
- 3) A "**first creator**" (e.g., @ 32) for creating, in parallel with the outputting of the content, position information (i.e., @ "E3") pointing to said reference time positions in the content (i.e., said I-picture frame positions); and
- 4) A "**second recorder**" (e.g., @ 27, 28, and 29) for recording the created position information on the recording medium wherein the position information is concurrently recorded on the recording medium, i.e., every time the reference position is assigned each time [Note: lines 50-61 of column 7; and lines 1-7 of column 8].

6. **Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,737,479 to Fujinami for the same reasons that were set forth above for claim 1. Additionally:**

The system disclosed by Fujinami includes a buffer "memory" (e.g., @ 24) for temporarily storing the content outputted by the outputter.

7. **Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,737,479 to Fujinami for the same reasons that were set forth above for claim 1. Additionally:**

e.g., Note: element 21; and lines 56-62 of column 6.

8. **Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,737,479 to Fujinami for the same reasons that were set forth above for claim 3. Additionally:**

In Fujinami, like the instant invention, the content is MPEG encoded and thus inherently includes the "reference frame positions/timings" (I-frames) and "non-reference frame positions/timings" (P and B frames).

9. **Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,737,479 to Fujinami for the same reasons that were set forth above for claim 1. Additionally:**

e.g., Note lines 50-67 of column 4 in Fujinami.

**10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #5,737,479 to Fujinami.**

- 1) Fujinami discloses a recording system as was set forth above with respect to claim 1.
- 2) Claim 9 differs from the showing of Fujinami in that it recites that the recording system is comprised with a camera.
- 3) The examiner takes Official Notice that cameras were notoriously well known devices which comprised recording systems of the type described in Fujinami. The examiner maintains that it would have been obvious to have incorporated the recording system described by Fujinami, into a conventional camera to obtain the benefits thereof; i.e., the ability to add rating codes to the recorded content.

**12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #5,737,479 to Fujinami.**

- 1) Fujinami discloses a recording system as was set forth above with respect to claim 2.
- 2) Claim 10 differs from the showing of Fujinami in that it recites that the recording system is comprised with a camera.
- 3) The examiner takes Official Notice that cameras were notoriously well known devices which comprised recording systems of the type described in Fujinami. The examiner maintains that it would have been obvious to have incorporated the recording system described by Fujinami, into a conventional camera to obtain the benefits thereof; i.e., the ability to add rating codes to the recorded content.

**13. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #5,737,479 to Fujinami.**

- 1) Fujinami discloses a recording system as was set forth above with respect to claim 3.
- 2) Claim 11 differs from the showing of Fujinami in that it recites that the recording system in comprised with a camera.
- 3) The examiner takes Official Notice that cameras were notoriously well known devices which comprised recording systems of the type described in Fujinami. The examiner maintains that it would have been obvious to have incorporated the recording system described by Fujinami, into a conventional camera to obtain the benefits thereof; i.e., the ability to add rating codes to the recorded content.

**14. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #5,737,479 to Fujinami.**

- 1) Fujinami discloses a recording system as was set forth above with respect to claim 4.
- 2) Claim 12 differs from the showing of Fujinami in that it recites that the recording system in comprised with a camera.
- 3) The examiner takes Official Notice that cameras were notoriously well known devices which comprised recording systems of the type described in Fujinami. The examiner maintains that it would have been obvious to have incorporated the recording system described by Fujinami, into a conventional camera to obtain the benefits thereof; i.e., the ability to add rating codes to the recorded content.

**15. Claims 5-8, and 13-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. HARVEY whose telephone number is (571) 272-7345. The examiner can normally be reached on M-F from 6:00AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Peter-Anthony Pappas, can be reached on (571) 272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DAVID E HARVEY/  
Primary Examiner, Art Unit 2481

DAVID E HARVEY  
Primary Examiner  
Art Unit 2481